

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

NETFLIX, INC.,

*Movant,*

v.

FORTRESS INVESTMENT GROUP  
LLC,

*Respondent.*

CASE NO.

Related to No. 8:18-cv-02055-GW-DFM,  
pending in the United States District Court  
for the Central District of California,

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**DECLARATION OF MARTIN E. GILMORE, ESQ.,  
IN SUPPORT OF MOVANT'S MOTION TO COMPEL  
THIRD-PARTY FORTRESS INVESTMENT GROUP LLC**

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the following is true and correct:

1. I am an attorney admitted to practice in the State of New York and am a bar member in good standing with the United States District Court for the Southern District of New York. I am a partner with the law firm Perkins Coie LLP in New York and represent Movant in the matter *Uniloc 2017 LLC v. Netflix, Inc.*, 8:18-cv-02055-GW-DFM (pending in the United States District Court for the Central District of California) (hereinafter the “Litigation”). I make this Declaration upon personal knowledge, except as otherwise stated, and, if called upon to testify, could and would testify competently hereto.

2. This miscellaneous action originates from the Litigation. The Movant in the instant matter is the defendant in the Litigation.

3. Respondent Fortress Investment Group LLC (“Fortress”) is a third party in the Litigation. Fortress is an investor in Uniloc 2017, the plaintiff in the Litigation. Movant served Fortress with a Subpoena to Produce Documents, Information, or Objects (the “Document Subpoena”) and a Subpoena to Testify at a Deposition (the “Deposition Subpoena”) (collectively, the “Subpoenas”) on or about on June 17, 2020.

4. On July 14, I participated in a meet and confer with Fortress’s counsel regarding the Subpoenas. Fortress’s counsel stated that he would not waive any of the objections to the Subpoena. When asked to elaborate on the specific objections listed to the Subpoenas, among other issues, Fortress’s counsel raised concern about the vagueness and breadth of terms such as “articles of organization” (Request No. 1), “analysis” (Request Nos. 34-35), and “referenced,” (Request No. 48).

5. The following exhibits are attached:
  - a. Attached as Exhibit 1 is a true and correct copy of the Subpoenas.
  - b. Attached as Exhibit 2 is a true and correct copy of Fortress's Responses and Objections to the Subpoenas, dated July 1, 2020.
  - c. Attached as Exhibit 3 is a true and correct copy of Uniloc 2017's Responses and Objections to Netflix's Interrogatory No. 2.
  - d. Attached as Exhibit 4 is a true and correct copy of Uniloc 2017's Supplemental Responses and Objections to Netflix's Interrogatory No. 13.

Dated: New York, New York  
July 16, 2020

By: /s/ Martin E. Gilmore

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